

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

KEVIN RISTO, on behalf of himself and  
all others similarly situated,

Plaintiff,

V.

SCREEN ACTORS GUILD-  
AMERICAN FEDERATION OF  
TELEVISION AND RADIO ARTISTS,  
a Delaware corporation; AMERICAN  
FEDERATION OF MUSICIANS OF  
THE UNITED STATES AND  
CANADA, a California nonprofit  
corporation; RAYMOND M. HAIR, JR,  
an individual, as Trustee of the AFM and  
SAG-AFTRA Intellectual Property  
Rights Distribution Fund; TINO  
GAGLIARDI, an individual, as Trustee  
of the AFM and SAG-AFTRA  
Intellectual Property Rights Distribution  
Fund; DUNCAN CRABTREE-  
IRELAND, an individual, as Trustee of  
the AFM and SAG-AFTRA Intellectual  
Property Rights Distribution Fund;  
STEFANIE TAUB, an individual, as  
Trustee of the AFM and SAG-AFTRA  
Intellectual Property Rights Distribution  
Fund; JON JOYCE, an individual, as  
Trustee of the AFM and SAG-AFTRA  
Intellectual Property Rights Distribution  
Fund; BRUCE BOUTON, an individual,  
as Trustee of the AFM and SAG-  
AFTRA Intellectual Property Rights  
Distribution Fund; and DOE  
DEFENDANTS 1-10,  
Defendants.

**CASE NO. 2:18-CV-07241-CAS-PLA**  
**CLASS ACTION**

**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION IN LIMINE  
NO. 1 TO EXCLUDE THE  
TESTIMONY AND OPINIONS OF  
DEFENDANTS' EXPERT DAVID  
NOLTE PURSUANT TO *DAUBERT***

*[filed concurrently with Plaintiff's Notice of Motion and Motion in Limine No. 1 to Exclude the Testimony and Opinions of Defendants' Expert David Nolte Pursuant to Daubert; Declaration of Mariana A. McConnell in Support Thereof]*

Judge: Hon. Christina A. Snyder  
Crtrm.: 8D – 8th Floor

Date: July 19, 2021  
Time: 11:00 a.m.

Trial Date: August 17, 2021

1 Having read and considered Plaintiff's Motion in Limine No. 1 to Exclude  
2 the Testimony and Opinions of Defendants' Expert David Nolte Pursuant to  
3 Daubert, and for good cause appearing therefore, **IT IS HEREBY ORDERED**  
4 **THAT:**

5 1. No reference, mention, or introduction of evidence from retained expert  
6 David Nolte shall be made, including but not limited to Mr. Nolte's March 8, 2021  
7 report, and Mr. Nolte's conclusions and the evidence set forth herein that Mr. Nolte  
8 relies upon for his conclusions, including but not limited to: the 50 Song Study, Table  
9 6, and the market share of record companies article, his application of the Georgia  
10 Pacific factors, and use of the terms "license agreement" and "royalty."

11 2. Plaintiff's Motion is HEREBY GRANTED.

12 **IT IS SO ORDERED.**

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14 Dated: \_\_\_\_\_

15 HON. CHRISTINA A. SNYDER  
16 UNITED STATES DISTRICT COURT  
17 JUDGE

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